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C O N F I D E N T I A L SECTION 01 OF 03 BAGHDAD 000547

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SUBJECT: FIRST YEAR OF IRAQ'S COUNCIL OF REPRESENTATIVES --
ACCOMPLISHMENTS OF AN INSTITUTION "UNDER CONSTRUCTION"

REF: A. A) BAGHDAD 492 (COR SPEAKER WITH AMB)
[1](#)B. B) BAGHDAD 476 (RECESS BEGINS)
[1](#)C. C) BAGHDAD 460 (TAMIMI ON POLITICS/ABSENTEEISM)
[1](#)D. D) BAGHDAD 441 (BUDGET PASSAGE)

Classified By: PolCouns Margaret Scobey, reasons 1.4 (b) and (d).

[1](#)1. (C) Summary: Iraq's one-year-old legislature is maturing slowly as an institution through its work on a diverse package of laws. We count 27 pieces of legislation passed, and many more debated, during 86 meetings held since March 2006. Legislative priorities for the upcoming term will further test the mettle of a young institution which must grapple with political reconciliation in spite of internal discord (and outright sectarian tension), growing pains of an organization short on resources, and chronic absenteeism among key parliamentarians. Nonetheless, the parliament's first year has shown that cooperation is possible, albeit limited, in Iraq's tense political atmosphere; we must help members build upon that possibility during their second year to focus efforts on Iraq's core national interests. End summary.

Key legislative business

[1](#)2. (SBU) Legislative initiatives acted upon by Iraq's parliament, the Council of Representatives (CoR), during its first full legislative cycle include the establishment of CoR bylaws (passed 14 June), establishment of an Independent Higher Electoral Commission (debated from July and passed January 23), Fuel Import Liberalization (passed 6 September), an Investment Law (passed 10 October), Regions Formation Law (passed 11 October), periodic extensions of the State of Emergency, and final passage of the 2007 budget on February [1](#)8. Over 20 other laws were passed and many more debated, including the still-pending Provincial Powers Law which is critical to balancing the powers of the central government with those of the provinces.

[1](#)3. (C) As a new legislative cycle begins in early March, we expect that issues key to reconciliation and national unity -- Provincial Powers Law (potentially including provincial election dates), De-Ba'athification Law, Hydrocarbons Law, constitutional reform -- will have priority on the CoR agenda, as well as the attention of the GoI. CoR Speaker Mashhadani has stated that the Regional Powers Law is a priority for the upcoming session (ref A), as has Minister of State for Parliamentary Affairs Dr. Safa al-Safi (although he told PolOff February 13 that the current draft is "worse than Bremer" and in need of amendment). Dr. Safa also said the Hydrocarbon Law was a priority, adding that the CoR needed to pay closer attention to constitutional issues and legal contradictions found in draft laws that could lead to problems later on. He said that as the CoR evolved into a more mature legislature, it might benefit from expert legal advice from the U.S. on constitutional and governmental balance of powers issues -- but did not need "interference"

or the imposition of a foreign value system.

Schedule overview

14. (U) The CoR, whose 275 members emerged victorious in December 2005 elections, was inaugurated on March 16, 2006. The CoR's annual legislative cycle is stipulated in the constitution as constituting an eight-month period broken into two terms; those terms are defined in CoR bylaws as constituting the two periods from March 1 - June 30 and September 1 - December 31.

15. (SBU) The 2006 session did not begin in earnest until the formation of a government in May, to compensate for which the first term continued through the end of July, followed by an August recess. Attendance dwindled in early December; political tensions, including a Sadrism boycott, compounded the many other reasons for absenteeism: some members resident overseas, members traveling for Hajj, year-end trips, and various personal reasons. The CoR was unable to assemble a quorum (see para 9 below) to complete its business before the end of December. The constitution stipulates that the session cannot conclude, in fact, until the budget is completed (Article 57); the second term of the annual cycle was therefore extended through February 8, 2007, when budget approval finally sent the session into recess (refs B and D).

Note: the executive branch shares responsibility for delayed passage of the 2007 budget, which the GoI did not submit to the CoR until late December.

16. (SBU) A quick analysis of the calendar shows that the CoR met once in March, and held sessions the following number of times during each of the subsequent months:

BAGHDAD 00000547 002 OF 003

--- April (none)
--- May (8 days)
--- June (9 days)
--- July (11 days)
--- August (recess)
--- September (11 days)
--- October (8 days)
--- November (11 days)
--- December (9 days, but only had a quorum once)
--- January (14 days, but without a quorum for the first 8)
--- February (5 days).

Total meetings: 87 days (29 first term, 58 second term, at least 16 without a quorum). Aside from these plenary sessions, the CoR's 25 committees meet separately and more frequently to hammer out specific initiatives. Behind every CoR decision is a committee engaged across sectarian lines to prepare laws for presentation to the larger assembly.

(Committees are subject to the same political forces influencing broader CoR discussions, yet offer a focused policy environment in which reasoned dialogue may be easier to achieve.)

Anatomy of an "average" session

17. (SBU) CoR sessions are generally called for late morning, but actual start times are often delayed while a quorum is gathered and/or while the leadership or political blocs hammer out agreements on delicate political issues. Until sessions begin, members mingle in the upper lobby of the Convention Center (used by the CoR for plenary sessions, committee meetings, and staff office space). Meetings get underway with a reading from the Quran and the Speaker has recently had names of absent members read from the podium to emphasize the importance of showing up.

18. (SBU) Although CoR bylaws call for a published agenda two days in advance, distribution of a printed agenda is late in the game (the key staffer for parliamentary affairs says "two minutes" is about as much advance as is possible in the

politically-charged atmosphere of the CoR, and the printed agenda is not necessarily a reliable guide to the topics that will actually be discussed). A mid-afternoon lunch break often marks the end of the day's session, although meetings are carried into the evening when issues warrant. On February 8 the CoR passed the budget at an unusually late 6:30 p.m., after which an appearance by the Minister of Health took the session up to 7:00 p.m.

Attendance

¶9. (SBU) CoR bylaws require an absolute majority (138 of 275 members constituting a quorum) to be present for a session to begin and to vote on legislation; other business can be conducted if attendance dwindles -- as often happens later in the day -- and the CoR creatively kept one session "open" for many days in a row so that discussion could continue without a quorum.

¶10. (C) Absenteeism is indeed a serious problem. Some members have not made more than a ceremonial appearance during the year, and the average attendance is well over 100 members short of a full house. CoR bylaws allow for salary to be deducted for chronic no-shows (although it is politically difficult to apply this to senior members of political blocs and withholding salary would have no sway over many others). Various members have called for an improved "member replacement law" (the current law, passed in June, does not specify absenteeism as reason for dismissal; ref C reports the claim of one member that he has 55 signatures in favor of a law that would require the replacement of members who miss 15 sessions).

Staffing stretched

¶11. (SBU) The CoR has over 300 full-time staff and is hiring more. Senior managers are capable but overworked, grappling with staff training needs, a lack of sufficient office equipment, and constant renovation of space within the Convention Center (including subdividing corridors into meeting spaces). Support from NDI and IRI has contributed to the CoR's institutional capacity, which still has a hard time keeping up with the demands of an evolving legislature. Unfortunately, current hiring is reportedly being based on sectarian balance as opposed to competence and loyalty to the institution.

Growing pains with a sectarian overlay

BAGHDAD 00000547 003 OF 003

¶12. (C) Not surprisingly, the CoR reflects the sectarian nature of Iraqi political life -- a microcosm of Iraq's deep-rooted partisan divisions. Voting on key issues is more often than not along sectarian lines, debates often become acrimonious, and the legislative output often reflects parochial interests. CoR Speaker Mashhadani's style does little to bring order to the dialogue; a Sunni in a Shia-majority CoR, he is often accused of stating his opinion as opposed to managing a balanced discourse and many members speak of his possible removal as an important step in the CoR's maturing process. Conversely, Deputy Speaker Khalid Attiya (representing the majority Shia) has a reputation of being organized and aggressive on the CoR floor when it is necessary to conduct legislative business expeditiously.

¶13. (C) A strong speaker, well versed in parliamentary procedures and able to inject balance into politically-charged discourse, is indeed one of the CoR's current deficits. Lack of adherence to established bylaws, confused rules for hearing procedures (particularly when ministers are called to testify), lack of preparation for sessions (copies of bills under review are often not

available -- or of poor quality -- and agenda-management is haphazard), and lack of order in meetings, lead to frequent calls for a "point of order" from the floor, often turning procedural issues into unnecessarily politicized arguments.

¶14. (C) The CoR has matured sufficiently to have genuine cross-sectarian and cross-ethnic negotiations on specific issues and move them toward resolution (e.g., the budget, the regions formation law, the electoral commission law), yet often conducts business on an ad hoc basis which starts from scratch each time a new issue arises. The institution has not matured to the point that members can rely on established bylaws (and a predictable speaker) to manage the agenda, negotiate package deals (a give-and-take approach that might facilitate passage of multiple initiatives rather than issue-specific agreements), or look to enduring cooperative arrangements to rise above politics when the national interest warrants.

Looking ahead

¶15. (C) Structured along partisan lines and featuring myriad personalities unaccustomed to democratic discourse, the CoR can nonetheless develop into a civil forum for debating the laws that will form the foundation of Iraq's future. The CoR is providing a forum for people on opposite ends of the spectrum to meet, debate issues, and judge one another on the quality of their work. (As an example, Sadrist Baha Al-Ariji has been seen on more than one occasion dining with Tawafuq bloc leaders, and enjoys excellent working relations with his Legal Committee Co-chair Saleem Al-Jabbouri.) The committees represent a good place for cooperation to grow, as fewer people are involved, discussions are discreet and issues more focused, and the substance of discussions lends itself to consideration of the needs of a troubled nation.

¶16. (C) The very nature of the laws rising to the top of the agenda when the CoR reconvenes in March will require greater cooperation; while a reasoned review of Iraq's national interest would work in favor of reconciliation and power sharing (represented in the laws noted in para 3), the debate itself could also highlight the divide between the various parties. Post continues to work carefully to moderate political forces, keep the focus on laws that contribute to Iraq's true national interest, encourage institutional capacity building, and make our views known to CoR members and the GoI to help steer legislation in positive directions.
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